

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FRANCIS TIMOTHY PLAZA,	:	
Petitioner,	:	1:20-cv-1480
	:	
v.	:	Hon. John E. Jones III
	:	
BARRY SMITH, <i>et al.</i> ,	:	
Respondents.	:	

ORDER

May 25, 2021

NOW THEREFORE, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254, Petitioner's memorandum of law and exhibits in support (Doc. 5), Respondents' motion (Doc. 7) to dismiss the petition as untimely, and Petitioner's opposition to that motion (Doc. 13), and Petitioner' Rule 60(a) motion, and in accordance with the Court's Memorandum of the same date, it is hereby ORDERED that:

1. The Clerk of Court is directed to REOPEN this case
2. The Clerk of Court is directed to VACATE this Court's prior Memorandum (Doc. 8) and Order (Doc. 9).
3. Respondents' motion (Doc. 7) is GRANTED.
4. The petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254 is DISMISSED as time-barred by the statute of limitations. *See* 28 U.S.C. § 2244(d).
5. There is no basis for the issuance of a certificate of appealability. *See* 28 U.S.C. § 2253(c).
6. Petitioner's Rule 60(a) motion (Doc. 10) is DENIED.

7. The Clerk of Court is directed to CLOSE this case.

s/ John E. Jones III

John E. Jones III, Chief Judge
United States District Court
Middle District of Pennsylvania